UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBOTIC VISION TECHNOLOGIES
LLC and FREDERICK WEIDINGER,
an Individual,

                Plaintiffs,

v.

ADIL SHAFI, an Individual,

                Defendant.

Hon. Victoria A. Roberts
Mag. Judge Laurie J. Michelson

Case No. 11-12909

SUPPLEMENTAL BRIEF RE TIMING OF DISMISSAL

Under Fed.R.Civ.P. 41(a)(2), this Court possesses discretion to dismiss this case "on terms that the Court considers proper."

Plaintiffs request that this Court refrain from dismissing this case for a short time to permit Plaintiffs to take the deposition of David Dechow, a key business colleague of Mr. Shafi's.

Prior to his death, Adil Shafi conducted business through Advenovation, Inc., which performed vision software development for a number of customers, including Fanuc America Corp. See, **Exhibit A**, Complaint, *Fanuc North America,*

Inc. v Advenovation, Inc., et al., dated April 16, 2014, Oakland County Circuit Court.

Mr. Shafi enjoyed a longstanding business relationship with David Dechow. Indeed, Mr. Dechow participated in the development of the Reliabot software which is at issue in this case. On May 24, 2010, Plaintiff RVT purchased all rights to the Reliabot product and source code at a public auction of Braintech's assets.

In this case, during an informal interview conducted by Plaintiffs' counsel on May 15, 2012, Mr. Dechow appeared without counsel and explained that he had collaborated with Mr. Shafi on the original development of the Reliabot source code and had retained a copy of the Reliabot source code and certain Reliabot documentation, including training PowerPoints and manuals.

Since the time of that interview, Mr. Dechow became employed by or affiliated with Advenovation, Mr. Shafi's company. Indeed, the two men had offices together at Fanuc, an Advenovation customer.

During the telephonic status conference convened by this Court on April 17, 2014, Plaintiffs' counsel indicated the intention to again interview Mr. Dechow to secure possession of the Reliabot source code and to identify customers to which Advenovation had sold software that containing source code derived from Reliabot or other source codes owned by Plaintiff RVT. In advance of that status

conference, Plaintiffs' counsel submitted a letter to the Court, dated April 8, 2014, outlining the reasons for a second interview of Mr. Dechow. See, **Exhibit B.**

During the April 17, 2014 status conference, the Court referenced the possibility of a deposition of Mr. Dechow, but Plaintiffs' counsel, citing the previous interview, expressed hope that Mr. Dechow would cooperate in a second interview.

He has not.

During the April 17, 2014 status conference, Attorney James Mitchell indicated that he represents Advenovation. On April 25, 2014, Plaintiffs' counsel called Mr. Mitchell to ask permission to interview Mr. Dechow. Mr. Mitchell indicated that he did not know whether or not Mr. Dechow is a principal in, employed by or otherwise affiliated with Advenovation. Mr. Mitchell indicated, however, that he had no problem with Plaintiffs' counsel proceeding with an interview, which Mr. Mitchell confirmed by email later that day. See, **Exhibit C.**

Mr. Dechow has not responded to Plaintiffs' counsel's telephone calls or email.

Accordingly, Plaintiffs would like to quickly proceed with a deposition of Mr. Dechow in this case, and requests that this Court refrain from dismissal of the case for a short period so Plaintiffs may do so.

Respectfully submitted,

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Dated: May 9, 2014

I hereby certify that on May 9, 2014 I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record.

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